

SIGNIFICANT ISSUES

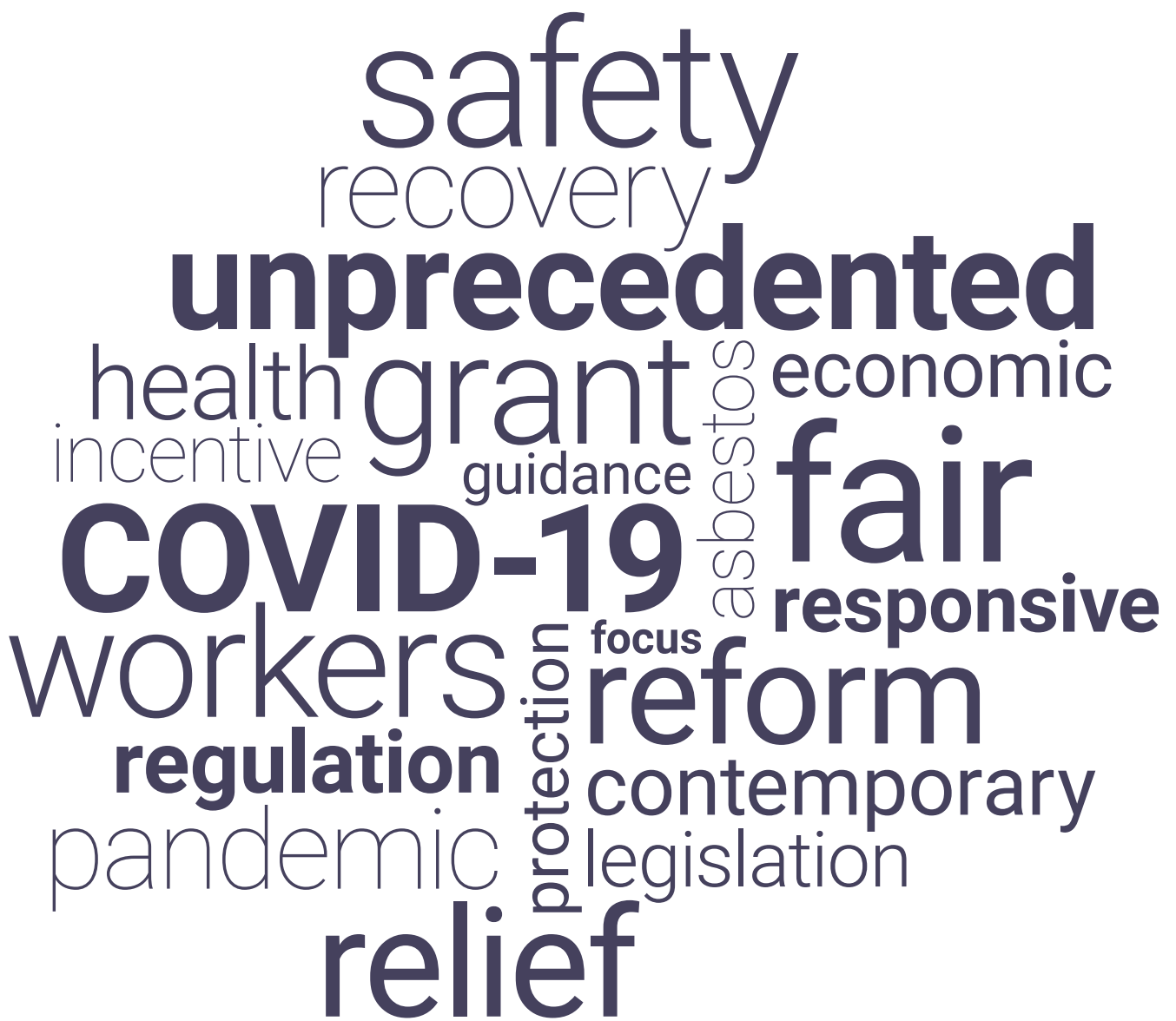


Significant issues impacting DMIRS

Rather than reacting to problems, we aim to keep abreast of change. We adapt and refine ourselves, our systems and practices where necessary, and are agile in responding to the needs of Government and our customers.

During 2019–20, we have continued to identify opportunities across our broad range of regulatory, service provision and policy functions and respond to the challenges of continuing to operate during the pandemic. This work has been significant and has ultimately assisted in us being better placed to respond, across our diverse responsibilities, to the extraordinary emerging issues of 2020.

The following section outlines a number of the significant issues that have impacted the department during 2019–20.



The current and emerging issues and trends facing DMIRS have been mapped against our new Strategic Plan, which serves as the blueprint enabling us to be agile and respond with urgency to the COVID-19 pandemic and recovery.

Premier's focus area: Delivery of critical frontline services and support functions

We are committed to minimising the harm caused by asbestos removal

- ▶ The Office of the Auditor General's Regulation of *Asbestos Removal report* was tabled in Parliament on 21 May 2020.

As DMIRS is responsible for regulating the removal of asbestos, there are recommendations regarding licensing processes from the report for the department to implement.

We strive to shape a contemporary workforce in both public and private sectors

- ▶ DMIRS worked to support the implementation of the Government's public sector workforce priorities. Examples included conversion to permanency arrangements, temporary labour hire, industrial relations support to Government trading enterprises, and wages policy.

On 25 June 2020, the [Industrial Relations Legislation Amendment Bill 2020](#) was introduced into the Legislative Assembly. The legislation is the State Government's response to recommendations made by the 2018 Ministerial Review of the State Industrial Relations System and the 2019 Inquiry into Wage Theft in Western Australia.

The Bill seeks to implement a range of reforms to ensure the State system is modern, fair and accessible and to increase protections for workers.

The Bill amends the [Industrial Relations Act 1979](#), [Long Service Leave Act 1958](#) and [Minimum Conditions of Employment Act 1993](#).

Amendments include removing the exclusions from the definition of employee to ensure the laws apply to all employees in the State industrial relations system, increasing penalties for contraventions of employment laws, increasing the powers of industrial inspectors, introducing stop workplace bullying provisions, modernising the [Long Service Leave Act 1958](#) and taking steps to bring local governments under the State industrial relations system.

We are committed to implementing reforms to the building and construction industry in WA

- ▶ In 2017 building Ministers from all Australian states and territories commissioned an expert report by Professor Peter Shergold AC and Ms Bronwyn Weir examining the effectiveness of building compliance and enforcement systems. The final report of that review, entitled *Building Confidence – Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia* (Building Confidence Report) made 24 recommendations and was released in April 2018.

The Government has committed to implementing the recommendations from the Building Confidence Report. The department is working with other jurisdictions and the Australian Building Codes Board to implement a nationally consistent model, where possible, and is carrying out three major projects to implement the recommendations:

1. A review of the residential building approval process (BCA Class 1a and 10) – an industry and public consultation process was conducted during late 2019. Collation and analysis of the responses from that process is underway, with the publication of a decision paper for Government's consideration expected in late 2020.
2. A review of the commercial building approval process (BCA Class 2 to 9) – an industry and public consultation paper was released in December 2019 and closed for comment on 30 June 2020. Collation and analysis of the responses from that process will progress in the second half of 2020, with the publication of a decision paper for Government's consideration expected in mid-2021.
3. A review of registration requirements for the building industry – significant consultation papers have been developed covering the review of the registration framework for builders and building contractors, and to implement new registration regimes for engineers and fire safety practitioners.

Premier's focus area: Driving the State's COVID-19 response

We are adapting our business model to the post COVID-19 environment and providing guidance and support to the community, business and other stakeholders

- ▶ In response to the COVID-19 pandemic, the State Government implemented measures to protect employee safety and health and the wider community, including travel restrictions, suspension of heritage surveys and protocols for minimising non-essential personal contact.
- ▶ In May 2020, the department adopted various temporary measures relating to applications for suspension and extensions to work commitments required on petroleum titles.

We are continuing to strengthen collaboration with other agencies to contribute to better social and economic outcomes

- ▶ In response to the widespread impacts of COVID-19 the department instigated, and subsequently chaired, a national consumer affairs response group, made up of Commonwealth and State and Territory Australian Consumer Law (ACL) regulators which was established to share information and coordinate regulatory responses to the myriad of consumer issues that were arising as a result of the pandemic.

The Urgent Response Group, which met at least once a week from mid-March 2020, enabled timely discussion and the consideration of complex issues relating to the application of the ACL and other legislation in the context of the pandemic.

The Urgent Response Group facilitated active and robust discussion and ensured ACL regulators took a largely consistent, coordinated and complementary approach to consumer issues arising nationally and in each state and territory.



We are providing guidance and support to the community, business and other stakeholders

- ▶ The measures taken to help stop the spread of COVID-19 impacted the management of the affairs of incorporated associations, charities and co-operatives, including the ability to hold statutory meetings and submit annual and financial information. The department responded by taking a supportive and educational approach to enforcing compliance with certain statutory obligations affected as a direct result of COVID-19.

We are supporting Government relief measures for individuals and business in a transparent, fair and ethical manner

- ▶ The State Government made \$30 million available for Western Australian private residential tenants who lost their jobs and faced financial hardship due to the COVID-19 pandemic on or after 20 March 2020.

The Residential Rent Relief Grant Scheme provided grants equivalent to four weeks rent up to a maximum of \$2,000 that was paid direct to landlords to assist tenants who were struggling to pay their rent after losing their jobs due to COVID-19.

A guide covering key issues for consideration when negotiating a rent repayment agreement was made available and DMIRS continued to develop additional resources to assist landlords and tenants negotiate their way through the difficulties faced (refer page 40).

We deliver regulatory and other reforms to support economic recovery and protect the community

- ▶ In response to the recommendations of the National Cabinet to ban evictions for residential and commercial tenants during the COVID-19 pandemic, in April 2020 the Residential Tenancies (COVID-19 Response) Act 2020 and the Commercial Tenancies (COVID-19 Response) Act 2020 were urgently prepared to implement measures to assist tenants and landlords.

A WA Code of Conduct was also implemented to guide commercial tenants and landlords in their negotiations (refer to page 37).

Premier's focus area: Preparing for Western Australia's economic and social recovery

We are preparing for and being responsive to increased activities

- ▶ An increase of 18 per cent of the number of consumer complaints received was seen in the February to June period in 2020 (6,163 complaints) compared to the same period in 2019 (5,219 complaints). COVID-19 was specifically referred to in 19 per cent of the complaints received in the 2020 period.

We are actively involved in identifying and supporting new and emerging industries

- ▶ During the COVID-19 pandemic, hand sanitisers were initially in short supply and businesses such as breweries, distilleries and cleaning product manufacturers assisted by manufacturing sanitiser products.

DMIRS Dangerous Goods inspectors reviewed the safe operations of companies manufacturing highly flammable goods (refer to page 34).

We are supporting Government relief measures for individuals and business in a transparent, fair and ethical manner

- ▶ As part of the financial relief measures introduced by the State Government, DMIRS is considering COVID-19 related impacts when exploration tenement holders apply for expenditure exemptions under section 102 of the – *Mining Act 1978* until 31 March 2021, unless rescinded earlier.

Exemption from exploration expenditure is considered if tenement holders are unable to meet the tenement's expenditure requirements as a direct result of COVID-19 or because of restrictions imposed by the State and Federal governments. The measures will help provide relief to companies and help support the State's economy to respond to COVID-19.

- ▶ The State Government provided the DMIRS-managed Exploration Incentive Scheme with \$5 million dollars of additional funding for the 2020–21 financial year as part of its WA Recovery Plan. To help invigorate the resources industry, \$3 million dollars of the funding will be allocated to Western Australian explorers via the co-funded drilling program.

The additional funding will also accelerate the acquisition of airborne electromagnetic data from the southern half of the State, which is testing for the presence of critical battery minerals (such as nickel) and water.

We are forward thinking in our approach to regulatory reform and assisting in transforming social, industry and economic recovery

- ▶ The Residential Tenancies Mandatory Conciliation Service was established to help landlords and tenants who had a dispute arise from financial hardship caused by the economic effects of the COVID-19 pandemic. It was introduced by the WA Government to help landlords and tenants reach agreement about a relevant dispute without going to court (refer page 40 for further information).
- ▶ Strategic measures to facilitate the long term recovery of the resources sector and the Western Australian economy. For example, DMIRS worked across policy areas in the State and National Governments to develop recovery measures within the resources sector.

After a comprehensive community consultation process, in November 2019 the Government introduced its Work Health and Safety Bill 2019 (WHS Bill) to the Parliament. After passing the Legislative Assembly, the WHS Bill had its Second Reading in the Legislative Council on 20 February 2020. The WHS Bill has been considered by the Standing Committee on Uniform Legislation and Statutes Review and the Standing Committee on Legislation. It is expected that the WHS Bill will be progressed through Parliament by the end of the 2020 Spring Session of Parliament.

The Act will be supported by three separate sets of regulations applying to workplaces generally in Western Australia, the mines sector, and the petroleum and geothermal sectors. Widespread state-wide consultation has been undertaken to provide recommendations for consideration by the Minister for Industrial Relations to develop the three sets of regulations.

The introduction of new legislation will have implications for existing industry guidance, inspector training, online systems, notification processes and other functions.

